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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA  
OMAHA DIVISION

LARRY KEATLEY, an individual, VIRGIL  
RASK, an individual, and MATTHEW  
LINDLEY an individual,

Plaintiffs,

v.

UNION PACIFIC RAILROAD COMPANY,  
a corporation,

Defendants.

Case No.

COMPLAINT  
FEDERAL EMPLOYERS LIABILITY  
ACT (45 USC §51)

JURY TRIAL DEMAND

Plaintiff Larry Keatley, by and through his attorneys, Paul S. Bovarnick and Kay Teague, and Plaintiffs Virgil Rask and Matthew Lindley, by and through their attorneys, Anthony Petru and (herein after “Plaintiffs”), and for their Complaint against Defendant Union Pacific Railroad Company hereby allege:

1.

Jurisdiction is conferred on this court by 45 USC §56, for their claims.

2.

Venue is within the District of Nebraska pursuant to 28 USC §1391(b) as the Defendant’s principal offices and headquarters are in Omaha, Nebraska.

3.

At all material times, Defendant Union Pacific Railroad Company was, and is, a common carrier by railroad in interstate commerce.

4.

At all material times, Plaintiff Larry Keatley was employed by Defendant as a locomotive engineer, Plaintiff Virgil Rask was employed by Defendant as a conductor, and Plaintiff Matthew Lindley was employed by Defendant as a conductor.

5.

On or about July 15, 2021, the track on which Plaintiffs’ train was operating was washed out by a flash flood, causing their train to derail. Plaintiffs were injured in the derailment.

6.

Plaintiffs’ injuries were due to the negligence of the Defendant in failing to provide Plaintiffs with safe tools and equipment and a safe place to work, in one or more of the following particulars:

- a. Defendant failed to warn Plaintiffs that flooding was imminent so that they could take measures to avoid the derailment;
- b. Defendant placed the track in a location which it knew or should have known was subject to flooding and thus derailments; and
- c. Defendant failed to warn Plaintiffs that the track where the derailment occurred was at risk for flooding and derailment.

7.

As a result of the negligence of the Defendant each Plaintiff suffered physical and emotional injuries. As a further result of the negligence of the Defendant, Plaintiffs suffered and will continue to suffer impaired earning capacity, pain and worry. Plaintiffs have also lost, and will continue to lose, wages and benefits and have incurred and will continue to incur medical expenses.

WHEREFORE, Plaintiff prays for the following relief:

For judgment against Defendant for economic and non-economic damages in an amount to be determined at trial and for their costs and disbursements incurred herein.

DATED: December 1, 2021.

Hildebrand, McLeod, and Nelson, LLP  
Anthony S. Petru, Partner

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Virgil Rask and Matthew Lindley

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DEMAND FOR TRIAL BY JURY

COME NOW plaintiffs LARRY KEATLEY, VIRGIL RASK, and MATTHEW LINDLEY, by and through their attorneys, and hereby demand a trial by jury on all factual issues triable.

DATED: December 1, 2021

Anthony S. Petru, Partner  
Hildebrand, McLeod, and Nelson, LLP

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